United Nations S/AC.44/2007/8

Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 17 December 2007 from the Permanent Mission of Kenya to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the Committee, and with reference to the letter of the Chairman dated 26 October 2007, has the honour to transmit herewith the updated report of Kenya on implementation of Security Council Resolution 1540 (2004) (see annex).

10-30320 (E) 150410

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Annex to the note verbale dated 17 December 2007 from the Permanent Mission of Kenya to the United Nations addressed to the Chairman of the Committee

National report to the Security Council Committee established pursuant to Security Council Resolution 1540 (2004)

Kenya does not own or possess any nuclear, chemical or biological weapons, nor does it have, and has never had, any nuclear, chemical or biological weapons production facility anywhere under its territory, nor transferred either directly or indirectly, any equipment for the production of such weapons. The country does not provide any assistance to any non-State actor to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.

Kenya has always cooperated with other members of the international community in the fight against illicit acquisition of weapons of mass destruction and is resolved to enhance that cooperation to prevent illicit traffic in these and related weapons. Kenya is a State party to the following treaties and agreements:

(a) Nuclear

- The International Convention for the Suppression of Acts of Nuclear Terrorism
- Nuclear Non-proliferation Treaty
- Comprehensive Nuclear Test Ban Treaty
- Partial Test Ban Treaty
- Convention on the Physical Protection of Nuclear Material

(b) Chemical and biological

- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction
- Convention on the Prohibition of the Development, Production, Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
- Geneva Protocol

Kenya is also a signatory to the International Code of Conduct against Ballistic Missiles, which are used as delivery systems for weapons of mass destruction.

In addition, Kenya is a member of the following international organizations:

- Conference on Disarmament
- International Atomic Energy Agency
- Organization for the Prohibition of Chemical Weapons
- Comprehensive Test Ban Treaty Organization Preparatory Commission

National efforts

Kenya has established an Inter-Ministerial Council for the full implementation of the Chemical Weapons Convention. The country is in the process of establishing the same for the Biological and Toxin Weapons Convention.

Kenya has produced draft legislation on the Chemical Weapons Convention in consultation with the Organization for the Prohibition of Chemical Weapons. The Act will provide for monitoring of the safe production manufacture, transportation, use and disposal of all chemicals in the country which were not already covered by existing controls.

Radiation Protection Board

The Radiation Protection Board (the Board) is a statutory body established under the Radiation Protection Act, which was passed by Parliament on 29 December 1982. The function of the Board is to advise the Government, through the Minister for Health, on all matters relating to radiation protection and radioactive waste disposal.

Parts III and IV of the Act empower the Board to license radiation workers, facilities and dealers in radiation devices and/or radioactive materials. The Board also issues radioactivity analysis certificates against imports and exports of consumer goods.

The Board has designed infrastructure for the physical protection of nuclear material, which includes closed circuit television cameras, motion sensors, electric fencing and burglar proofing. The Board is in the process of establishing a central radioactive waste processing facility. A committee for radioactive waste management, nuclear security and radiological emergency has also been formed under the Board.

In conjunction with the International Atomic Energy Agency (IAEA), the Board has ensured that all its officers are trained in nuclear security. The Board has also developed education and training programmes for police and customs officers in radiation detection. It is working with IAEA to equip laboratories and conduct more training.

Government Chemist Department

The Government Chemist Department serves as the National Authority for the Organization for the Prohibition of Chemical Weapons. It coordinates all Chemical Weapons Convention-related matters touching Kenya as a State party within its own territory, including the ensuring of compliance with all implementation requirements of the Convention.

The Department works with the Organization for the Prohibition of Chemical Weapons inspectors to facilitate full achievement of the objectives of Organization for the Prohibition of Chemical Weapons inspections carried out in Kenyan public and private facilities involved in activities controlled by the Convention.

With the assistance of the Organization for the Prohibition of Chemical Weapons, the Department has trained most of its officers in chemical weapons security. The Department also actively participates in regional conferences on preparedness in the event of attacks using chemical weapons.

Kenya Revenue Authority: Customs and Excise Department

Officers from the Customs and Excise Department of the Kenya Revenue Authority are trained in identification of chemical weapons agents. Officers at the borders also possess the index of prohibited chemicals on the schedule of the Chemical Weapons Convention, which stems the entry of harmful chemicals into the country. The Department has also established a chemical reference laboratory where suspicious chemical samples are tested.

Border control

Kenya has established joint frontier security and intelligence committees with neighbouring States. This collaboration has continued to prove useful in monitoring illegal activates at the borders relating to illicit weapons.

Assistance programmes

The country may benefit from receiving technical assistance in the following areas:

- Joint training in nuclear, chemical and biological weapons technology
- Provision of necessary technical knowledge to customs and police officers to enable them to identify weapons of mass destruction
- Availability of technical devices to police officers and customs staff to assist such identification

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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 7 January 2008 from the Permanent Mission of Mexico to the United Nations addressed to the Committee

The Permanent Mission of Mexico to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to its note S/AC.44/2007/ODA/OC/84 of 17 October 2007 concerning the report being prepared by the Committee.

In this connection, the Permanent Mission of Mexico is pleased to transmit herewith additional information provided by the Government of Mexico, pursuant to Security Council resolution 1540 (2004), and requests that it be added to the information previously provided (see annex).

10-31617 (E) 200410 210410

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Annex to the note verbale dated 7 January 2008 from the Permanent Mission of Mexico to the United Nations addressed to the Committee

On 11 October 2007, the High-Level Specialized Committee on International Disarmament, Terrorism and Security, established for the purpose of coordinating the actions of the Federal Executive Power for compliance with the international obligations of the Mexican State in the national sphere in matters of international disarmament, terrorism and/or security, held its first regular session.

The main purpose of the first regular session was to establish, with the approval of the National Security Council, permanent operational groups to carry out the functions provided for in article 11 of the Agreement of the National Security Council establishing the High-Level Specialized Committee, and to define the main actions and activities of those groups.

At the first regular session, the High-Level Specialized Committee also set forth the measures that need to be taken as soon as possible to implement Security Council resolution 1540 (2004). These measures include the following:

- Adopting and implementing legislation prohibiting all non-State actors from manufacturing, acquiring, developing, transporting, transferring or using nuclear, chemical or biological weapons, as well as their means of delivery;
- Establishing domestic controls to prevent the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery;
- Establishing and maintaining appropriate measures to secure the production, use, stockpiling and transport of dual-use precursors;
- Developing appropriate and effective border controls to prevent and combat the illicit trafficking and brokering of dual-use precursors;
- Implementing and applying export control legislation and regulations providing for criminal, civil and administrative penalties;
- Establishing national control lists for nuclear, radiological, chemical and biological materials, equipment and technology;
- Developing mechanisms for cooperating with the weapons industry to ensure compliance with export control laws and non-proliferation standards;
- Initiating cooperation activities aimed at the preventing the illicit trafficking of nuclear, chemical and biological weapons, their means of delivery and related materials.

The High-Level Specialized Committee has set guidelines for the establishment, composition and responsibilities of the permanent operational groups provided for in article 11 of the Agreement of the National Security Council. The main responsibilities of the operational groups shall be to:

- Assess what is needed in order to optimize inter-institutional coordination with respect to the manufacture, acquisition, development, transport, transfer or use of nuclear weapons and their means of delivery by non-State actors;

- Conduct an analysis of the technological infrastructure necessary for the electronic exchange of information which could help prevent the proliferation of nuclear weapons and their means of delivery;
- Assess the extent to which terminal operators at deep-water ports and international airports have complied with requirements to install specialized equipment and provide technological assistance to prevent and combat the illicit trafficking of nuclear and radioactive materials;
- Follow up national programmes to prevent and combat illicit trafficking in dual-use precursors for nuclear and radioactive materials;
- Analyse and assess the requirements for becoming a partner in the Missile Technology Control Regime;
- Follow up progress towards becoming a participant in the Nuclear Suppliers Group;
- Adopt national regulations to ensure appropriate control of nuclear and radioactive materials;
- Improve the timely exchange of information necessary for the identification and monitoring of dangerous operations;
- Incorporate the guidelines and control lists of the Nuclear Suppliers Group in the national registry with a view to preparing national lists of nuclear and radiological materials, equipment and technology;
- Request the International Atomic Energy Agency to implement the International Nuclear Security Advisory Service (INSServ) in Mexico in order to strengthen its capacity to prevent and detect nuclear terrorism;
- Set out the measures to be taken by the regulatory agencies for explosives and hazardous materials in monitoring the sale, destination and end use of explosives or hazardous materials used in biological and chemical weapons;
- Analyse and assess the requirements for participation in the Australia Group;
- Assess the control mechanisms set out in the Chemical Weapons Convention and the Biological Weapons Convention, and by the Australia Group, and study the feasibility of using those mechanisms to help establish a national control registry containing the national control lists of chemical and biological materials, equipment and technology;
- Adopt current regulations to ensure adequate control of the equipment used to trans-ship dual-use chemical and biological materials, equipment and technology;
- Develop means of exchanging practical information on addressing the trafficking of weapons by international terrorist groups;
- Implement measures to prevent the trafficking of small arms and light weapons;
- Analyse and assess the requirements for becoming a Participating State in the Wassenaar Arrangement.

- Assess the control mechanisms provided for in the Wassenaar Agreement and study the feasibility of using them to set up a national control registry;
- Identify what needs to be checked in travel documents in order to prevent the movement of international terrorists through effective border checks and monitor the issuance of identity and travel documents;
- Follow up information obtained by monitoring public and private telecommunication networks in order to prevent the use of such networks by terrorist groups;
- Examine international regulations with a view to incorporating them in national legislation relating to the adoption of laws on the prohibition of the manufacture, acquisition, development, transport, transfer or use of nuclear, chemical or biological weapons, as well as their means of delivery, by all non-State actors;
- Examine international regulations with a view to aligning domestic legislation with them by adopting appropriate laws and regulations to control the export, transit and trans-shipment of dual-use nuclear, radiological, chemical and biological materials, equipment and technology;
- Examine and update regulations relating to the provision of funds that might contribute to proliferation.